

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
GARY JACKSON	:	VIOLATIONS:
	:	18 U.S.C. § 924(a)(1)(A) (making a false statement to a federal firearms licensee – 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of a firearm by a convicted felon - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The Clayton’s Hunting and Fishing, 600 Easton Road, Horsham, Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.

2. FFL holders were licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, governed the manner in which FFL holders are permitted to sell firearms and ammunition.

3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearms Transaction Record, ATF Form 4473. Part of

the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 requires the purchaser to answer questions about the purchase, including question 11a, “Are you the actual buyer of the firearm(s)? Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person.” The Form 4473 also contains a warning, “[A]nswering “yes” to question 11a if I am not the actual buyer of the firearm is a crime punishable as a felony.”

4. A person who purchases a firearm for another person and falsely completes the Form 4473 is a “straw purchaser.” Acting as a straw purchaser is referred to as “lying and buying.”

5. FFL holders were required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm.

6. Convicted felons are persons prohibited by law from buying firearms.

7. On April 28, 2008, defendant GARY JACKSON was a convicted felon prohibited by law from buying firearms.

8. On April 28, 2008, defendant GARY JACKSON, accompanied R.M., a person known to the grand jury, to Clayton’s Hunting and Fishing where R.M. bought the firearm described below for defendant JACKSON and falsely represented on ATF Form 4473 that he, R.M., was the actual buyer of the firearm.

9. Defendant GARY JACKSON provided United States currency to R.M. for the straw purchase of the firearm described below, knowing that R.M. would assert on ATF Form 4473 that he was buying the firearm for himself, although that was not true.

10. On or about April 28, 2008, in Horsham, in the Eastern District of Pennsylvania, defendant

GARY JACKSON,

in connection with the acquisition of a firearm, that is, a Charter Arms, .38 special revolver, model undercover, serial number 75952, knowingly made, and aided and abetted, the making of a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the records of Clayton's Hunting and Fishing, a federally licensed firearms dealer, in that, at the direction of defendant JACKSON, R.M., a person known to the grand jury ("the straw purchaser"), falsely certified on Department of Treasury Form 4473, Firearms Transaction Record, that he, R.M., was the actual buyer of the firearm, when in fact, defendant JACKSON and R.M. knew this statement was false and fictitious.

In violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

From on or about April 28, 2008 through on or about April 30, 2008, in Philadelphia, in the Eastern District of Pennsylvania, defendant

GARY JACKSON,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Charter Arms, .38 special revolver, model undercover, serial number 75952.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A), 2, and 922(g)(1) set forth in this indictment, defendant

GARY JACKSON

shall forfeit to the United States of America the firearm involved in the commission of these offenses, including, but not limited to:

1. a Charter Arms, .38 special revolver, model undercover, serial number 75952.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

_____ **A TRUE BILL:** _____

GRAND JURY FOREPERSON

LAURIE MAGID
ACTING UNITED STATES ATTORNEY